

22649



IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor                      Stefan WINTERSPERGER et al  
Patent App.                  10/668,521  
Filed                          23 September 2003                      Conf. No. 1880  
For                              VECTOR FOR INTEGRATION OF HETEROLOGOUS  
                                 SEQUENCES INTO POXV  
  
Art Unit                        1648                                      Examiner Mosher, M  
Hon. Commissioner of Patents  
Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OVERCOME A DOUBLE-PATENTING REJECTION

The undersigned states:

That he is the duly appointed attorney for the inventors  
of the above-captioned application;

That 100% ownership of application 10/668,521 has been  
assigned to GSF FORSCHUNGSZENTRUM FÜR UMWELT UND GESUNDHEIT GMBH in  
an assignment recorded 26 December 2001 under Reel 012477 and Frame  
0143.

That the undersigned hereby disclaims the terminal part  
of any patent granted on application 10/668,521 which would extend  
beyond the expiration date of the full statutory term defined in 35  
USC 154-156 and 173, as currently shortened by any terminal  
disclaimer, of Patent 6682742 and hereby agrees that any patent so  
granted on application 10/668,521 shall be enforceable only as long  
and during such period as the legal title thereto shall be the same  
as the legal title to Patent 6682742, this agreement to run with

01/20/2006 RMEBRANT 00000033 182025 10668521

01 FC:1814 20.00 DA 110.00 DP

any patent granted on application 10/668,521 and to be binding upon the grantee thereof, its successors, and assigns; and

In making the above disclaimer the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154-165 and 173 of Patent 6682742, as currently shortened by any terminal disclaimer, in the event that it later either expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as currently shortened by any terminal disclaimer.

Respectfully submitted,  
The Firm of Karl F. Ross P.C.

  
By: Jonathan Myers, Reg. No. 26,963  
Attorney for Applicant

06 January 2006  
5676 Riverdale Avenue Box 900  
Bronx, NY 10471-0900  
Cust. No.: 535  
Tel: (718) 884-6600  
Fax: (718) 601-1099

Enclosure:PTO-2038

ge/